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13
14 **THE UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 SNAP LOCK INDUSTRIES, INC., a Utah
17 Corporation,

18 Plaintiff,

19 v.

20 SWISSTRAX CORPORATION,

21 Defendant.

CASE NO.: 2:17-cv-02742-RFB-NJK

**STIPULATION REGARDING
EVIDENTIARY HEARING**

22 Plaintiff Snap Lock Industries, Inc. (“Snap Lock”) and Defendant Swisstrax Corporation
23 (“Swisstrax”) (collectively, “the Parties”), through their undersigned counsel, hereby respectfully
24 submit this Stipulation concerning scheduling of an evidentiary hearing on Snap Lock’s Motion
25 for Preliminary Injunction, and concerning the continuance of the Interim Stipulation (ECF. 20),
26 pending the Court’s Order on that Motion.

27 By way of background, the Court held a hearing on Snap Lock’s Motion for Preliminary
28 Injunction on December 18, 2017. The Court heard argument from the Parties on the trademark

1 infringement component of Snap Lock's Motion, and indicated that a ruling on that aspect of
2 Snap Lock's Motion would be forthcoming. The Court indicated that it would hold an
3 evidentiary hearing related to the false advertising component of Snap Lock's Motion. The
4 Court directed the Parties to agree on a date for an evidentiary hearing and to contact the
5 courtroom deputy to schedule the date. *See* ECF No. 42.

6 Before the holidays, the parties submitted three days to the Court on which the parties
7 and the witnesses were available,¹ and advised the Court telephonically of the potential
8 availability of those dates. However, immediately after the holidays, an unavoidable and
9 important business conflict arose for Jorgen Moller, Snap Lock's CEO, who has submitted two
10 declarations supporting Snap Lock's Motion.² Mr. Moller will be out of the country attending to
11 critical business on the dates to which the parties had previously agreed. Swisstrax's counsel has
12 indicated that it expects to cross-examine Mr. Moller at the evidentiary hearing, and would prefer
13 to have the evidentiary hearing when all of the parties are available. However, Snap Lock has a
14 2-3 week jury trial in Nashville, Tennessee that will have Snap Lock's lead trial counsel (Brett L.
15 Foster and Tamara Kapaloski) in Nashville from mid-February through the first week of March.

16 After meeting and conferring in regard to this matter, the Parties stipulated that they are
17 available for an evidentiary hearing in this case currently any time on the following dates:
18 March 12-16, 19, 20, 21 2018, or convenient dates for the Court thereafter. The Parties would
19 prefer to avoid either Monday (March 12th and 19th) to enable them to have witnesses travel and
20 prepare for the evidentiary hearing.

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26 ¹ The dates were January 23, 24, and 25, 2018.

27 ² In addition, Tammy Kapaloski's father unexpectedly passed away on Sunday morning,
28 January 7, 2018. She is one of Snap Lock's lead attorneys. For the immediate future, she will be
tending to her family's needs.

Given the length of time between the filing of the Motion and these dates for the evidentiary hearing, the Parties hereby stipulate to have the Interim Stipulation (ECF 20) continue to apply pending the Court's orders on Snap Lock's pending Motion for Preliminary Injunction.

DATED this 10th day of January, 2018.

HOLLAND & HART LLP

DICKSON WRIGHT PLLC

/s/ Brett L. Foster

/s/ Steven A. Caloiaro

J. Stephen Peek

(with permission given to filing attorney)

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ORDER

IT IS SO ORDERED and this matter is set for an evidentiary hearing on September 10, 2018 at 9:30 AM, in LV Courtroom 7C. .

DATED this 31st day of August, 2018.



RICHARD F. BOULWARE, II
United States District Judge